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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,193	12/13/2000	Germano Caronni	0007056-0116/P5600/RSH	6182
24209 7590 12/18/2006 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			EXAMINER CONTEE, JOY KIMBERLY	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/18/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/737,193

Applicant(s)

CARONNI ET AL.

Examiner

Joy K. Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/13/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,4,6-9,11-14,17,18,20,22-25 and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart et al. (Stewart), US 6,259,405.

Regarding claims 1 and 17, Stewart discloses a method for device location sensitive data routing (and a device location sensitive data router) comprising:

detecting (and a detector) a signal at a location (reads on service node) wherein said signal (reads on location update control message returned by mobile phone or call setup message) emanates from a portable, electronic device wherein said signal contains a user identifier wherein said user identifier identifies a user (col. 2, line 50 to col. 3, line 3);

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transmitting to a routing device said user identifier and a list of one or more communications devices wherein said communications devices are at said location (col. 2, line 50 to col. 3, line 3);

and rerouting one or more electronic communications to said communications devices wherein said electronic communications are intended for said user (col. 3, line 22 to col. 4, line 40).

Regarding claims 2 and 18, Stewart discloses the method of claims 1 and 17, respectively, wherein said step of transmitting comprises: transmitting via a phone system (col. 2, line 50 to col. 3, line 3).

Regarding claims 4 and 20, Stewart discloses the method of claims 1 and 17, respectively, wherein said portable, electronic device is a cellular phone (col. 2, line 50 to col. 3, line 3).

Regarding claims 6 and 22, Stewart discloses the method of claims 1 and 17, respectively, wherein said signal is a radio signal (col. 2, line 50 to col. 3, line 3).

Regarding claims 7 and 23, Stewart discloses the method of claims 1 and 23, respectively, wherein said signal is an infrared signal (col. 2, line 50 to col. 3, line 3).

Regarding claims 8 and 24, Stewart discloses the method of claim 1 wherein said signal emanates via a connection line (i.e., reads on service control module) wherein said connection line couples said portable, electronic device (mobile) and {a} sensor (col. 2, line 50 to col. 3, line 3)

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Regarding claims 9 and 25, Stewart discloses the method of claims 1 and 17, respectively, wherein said electronic communications are phone calls (col. 2, line 50 to col. 3, line 3)

Regarding claims 11 and 27, Stewart discloses the method of claims 1 and 17, respectively, further comprising: coupling a cellular phone to a non-wireless phone line (col. 2, line 50 to col. 3, line 3)

Regarding claims 12 and 28, Stewart discloses the method of claims 1 and 17, respectively, further comprising: configuring said routing device to perform an action (i.e., route call), if a condition is met (col. 2, line 50 to col. 3, line 3).

Regarding claims 13 and 29, Stewart discloses the method of claim 12 wherein said condition is {when} said user first appears at said location (col. 2, line 50 to col. 3, line 3).

Regarding claims 14 and 30, Stewart discloses the method of claim 12 wherein said condition is said user leaves said location (col. 2, line 50 to col. 3, line 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,5,10,15-16,19,21,26,31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart, in view of Waites, U.S. Patent No. 6,788,769.

Regarding claims 3,5,10,15,16,19,21,26,31 and 32, Stewart discloses the method (and router) of claims 1 and 17, respectively, but fails to show wherein said step of transmitting comprises: transmitting email messages; wherein the portable is a PDA or updating a web page.

In a similar field of endeavor, Waites discloses a mobile transmitting an transmitting via e-mail (col. 7, lines 10-65); wherein said portable, electronic device is a PDA (col. 11, lines 12-24); wherein said action is updating a web page (col. 13, lines 17-46); and wherein said action is ending an email (col. 11, lines 12-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Stewart's method and apparatus of routing calls to include an PDA, email and web page updating capabilities for the purpose of allowing the user to transmit data to other users or access data on the Internet as taught by Waites.

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6. Claims 33,34,36,38,39,40,41,43,45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart, in view of Harter et al., "*A Distributed Location System for the Active Office*".

Regarding claims 33,34,36,38,39,40,41,43,45 and 46, Stewart discloses the limitations just as in corresponding method and apparatus claims 1,2,4,6-9,11-14,17,18,20,22-25 and 27-30, applied above, except for specifically teaching, a computer program product comprising computer usable medium having computer readable program code embodied therein and configured to route data.

In a similar field of endeavor, Harter et al., discloses a distributed location system wherein fixed and wireless receivers are combined in a manner similar to Stewart but within an "active office". Further, Harter et al., clearly teaches that location technology involves distributed software (i.e., reads on computer usable medium and computer readable program) throughout the local area.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Stewart to include distributed software for the purpose of providing control to the service node and service control module, to implement the routing of calls using intelligent technology.

7. Claims 35,37,42,47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart as modified by Harter et al., in further view of Waites.

Regarding claims 35,37,42,47 and 48, Stewart as modified by Harter et al., discloses the method of claim 33. Since Stewart and Harter et al., do not disclose the limitations in dependent claims 35,37,42,47 and 48, Examiner has

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added the Waites reference, applied just as above with respect to claims

3,5,10,15-16,19,21,26 and 30-32.

In a similar field of endeavor, Waites discloses a mobile transmitting an transmitting via e-mail (col. 7, lines 10-65); wherein said portable, electronic device is a PDA (col. 11, lines 12-24); wherein said action is updating a web page (col. 13, lines 17-46); and wherein said action is ending an email (col. 11, lines 12-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Stewart as modified by Harter et al., method and apparatus of routing calls to include an PDA, email and web page updating capabilities for the purpose of allowing the user to transmit data to other users or access data on the Internet as taught by Waites.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K. Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC


J. L. CONTEE
PATENT EXAMINER